

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00360

Donnel J. Shelton,
Plaintiff,

v.

Chief Deputy Sheriff Craig Shelton et al.,
Defendants.

ORDER

Plaintiff Donnel Shelton, proceeding pro se, filed this lawsuit against defendants on July 21, 2023. Doc. 1. This case was referred to United States Magistrate Judge John D. Love. Doc. 3. Defendant Garza filed a motion to dismiss. Doc. 34. On October 8, 2024, the magistrate judge issued a report recommending that the motion to dismiss be granted and that plaintiff's claims be dismissed with prejudice until the conditions of *Heck v. Humphrey* are met. Doc. 37; *see also Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994).

More than 30 days have passed since a copy of the report was mailed to plaintiff. Plaintiff did not file objections to the report, and the time frame for doing so has passed.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Defendant's motion (Doc. 34) is granted. Plaintiff's claims are dismissed with prejudice until the conditions in *Heck* are satisfied. Any pending motions are denied as moot.

So ordered by the court on December 27, 2024.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge